THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.20356 of 2003

ORAL ORDER:

This writ petition is filed seeking a Mandamus declaring the proceedings of the first respondent in D.Dis.No.K4/ATP/2695/1999 dated 8.7.2003 dismissing the revision of the petitioner and confirming the order passed by the second respondent dated 22.2.1999 in proceedings No.D.Dis.K.4/3793/98, wherein the order passed by the third respondent in D.Dis.No.D1/CS/332/97 dated 12.4.1998 cancelling the authorisation of the petitioner as Fair Price Shop dealer of Nadimidoddi village, Narpala mandal, Ananthapur district was confirmed, as arbitrary and illegal.

It appears, the petitioner was the fair price shop dealer of Nadimidoddi village, Narpala mandal, Ananthapur district. While so, it was brought to the notice of the fourth respondent-Mandal Revenue Officer that the petitioner was having 23 bogus white ration cards, which were detected by the Inspector of Vigilance Cell, Civil Supplies Department, Ananthapur, therefore, the authorisation of the petitioner was suspended after issuing a show cause notice to the petitioner. The petitioner submitted explanation to the said show cause notice while denying the allegations asserted that the cards are not bogus one and they were issued in favour of 23 persons in the village. Thereafter, the authorisation of the petitioner was cancelled based on the report of the fourth respondent dated 25.7.1997. In the said report, the fourth respondent reported that 23 white ration cards have been detected as bogus cards and much quantity of essential commodities were reduced to the concerned fair price shop dealer and this itself reveals that the fair price shop dealer had mis-utilised the rice, sugar and kerosene oil meant to the above card holders violating clauses 4, 5, 10 and 11 of the A.P. Scheduled Commodities (Regulation of Distribution by Card System) Order, 1973. Thus, the whole basis for passing the impugned cancellation order is the report of the fourth respondent. Even the fourth respondent states that they are bogus cards detected from the key register maintained in the village. That

means, the names of the 23 cardholders were mentioned in the key register maintained for the purpose of distribution of essential commodities.

I am of the opinion that the third respondent passed the impugned order cancelling the authorisation of the petitioner basing on the report of the fourth respondent, which does not reveal as to whether the bogus white rations cards were seized from the possession of the petitioner or not.

In view of the above, the impugned order passed by the third respondent in D.Dis.No.D1/CS/332/97 dated 12.4.1998 as confirmed by the second respondent vide proceedings No.D.Dis.K.4/3793/98, dated 22.2.1999 and further confirmed by the first respondent in proceedings D.Dis.No.K4/ATP/2695/1999 dated 8.7.2003 are liable to be set aside and accordingly set aside. The matter is remitted back to the third respondent for conducting fresh enquiry into the matter and for passing appropriate orders as per law. Till such time, Status quo as on today shall be maintained as to the running of Fair Price Shop of Nadimididoddi village.

The writ petition is allowed to the extent indicated above. No order as to costs.

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C.V.RAMULU,
J

Date: 1.11.2006

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THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.20356 of 2003

1.11.2006

IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.20356 of 2003

Date: 1st November, 2006

Between:

D.Suryanarayana Reddy

.. Petitioner

And

The Collector and District Magistrate,
Anantapur, Anantapur district & others.

.. Respondents